

This order is SIGNED.

Dated: August 22, 2022



JOEL T. MARKER
U.S. Bankruptcy Judge



Prepared and Submitted by:

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

EMPIRE SOLAR GROUP, LLC,

Debtor.

Bankruptcy Case No. 21-23636

Chapter 7

Honorable Joel T. Marker

**ORDER GRANTING MOTION, PURSUANT TO 11 U.S.C. §105(a) AND FEDERAL
RULES OF BANKRUPTCY PROCEDURE 9014 AND 9019, FOR ENTRY OF AN
ORDER APPROVING A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS
BETWEEN THE TRUSTEE, ON THE ONE HAND, AND OKIIREVE INC., ON THE
OTHER HAND ON THE OTHER HAND**

This matter is before the Court on the *Motion, Pursuant to 11 U.S.C. § 105(a) and
Federal Rules of Bankruptcy Procedure 9014 and 9019, for Entry of an Order Approving a*

Settlement Agreement and Mutual Release of Claims Between the Trustee, on the One Hand, and Okiireve Inc., on the Other Hand (the “**Motion**”) which was filed by Steven R. Bailey (the “**Trustee**”), who is the Chapter 7 Trustee in the above-entitled case. The Motion was filed on July 22, 2022, as Dkt. 365.

In the Motion, the Trustee asks the Court to approve the form and content of a *Settlement Agreement and Mutual Release of Claims* (the “**Agreement**”) between the Trustee, on the one hand, and Okiireve Inc. (“**Okiireve**”), on the other hand, to settle and resolve certain claims which the bankruptcy estate may have Okiireve, including claims for the avoidance and recovery of preferential and/or fraudulent transfers. In summary, the Agreement provides that in resolution of such claims, Okiireve will make a settlement payment to the estate totaling \$90,000.00 (the “**Settlement Payment**”). The Agreement also provides for mutual releases and that Okiireve will receive an allowed general unsecured claim under Section 502(h) in the amount of the Settlement Payment. A signed copy of the Agreement is attached to the Motion.

The Court, after reviewing the Motion and the Agreement and such other and further matters in the file as the Court deemed appropriate, after considering any responses or objections to the Motion in the Court’s file, after further noting that the deadline for responding or objecting to the Motion has now expired, and after independently determining that the Motion and the Agreement attached thereto appears to be in the best interests of the estate and its creditors, has determined that the Motion is well-taken, and that the relief requested therein should be granted.

Accordingly, pursuant to 11 U.S.C. § 105(a) and Federal Rules of Bankruptcy Procedure 9014 and 9019, based upon the foregoing, and good cause appearing therefor, **IT IS HEREBY ORDERED** as follows:

1. The Motion shall be, and it hereby is, approved.
2. The Agreement attached to the Motion shall be, and it hereby is, approved as to the form and content in its entirety, and the Agreement is binding on the estate.

3. The Trustee's execution of the Agreement for and on behalf of the estate is approved, and the Trustee is authorized to consummate the Agreement in accordance with its terms.

4. Subject to Okiireve's payment of the Settlement Payment in good and sufficient funds and Okiireve filing a proof of claim, Okiireve shall have an allowed general unsecured claim against the bankruptcy estate in the amount of the Settlement Payment. Okiireve shall file its proof of claim within thirty (30) days of its payment of the Settlement Payment.

=====END OF ORDER=====

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of August, 2022, a true and correct copy of the foregoing [proposed] ***ORDER GRANTING MOTION, PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 9014 AND 9019, FOR ENTRY OF AN ORDER APPROVING A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN THE TRUSTEE, ON THE ONE HAND, AND OKIIREVE INC, ON THE OTHER HAND*** (the “Order”) was electronically filed and therefore served via CM/ECF on the following:

- **B. Scott Allen** coley@mvmlegal.com
- **Rod N. Andreason** randreason@kmclaw.com, mkowalczyk@kmclaw.com
- **Steven R. Bailey tr** karen@baileylaw.org, UT06@ecfcbis.com
- **Megan K Baker** baker.megan@dorsey.com
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- **Jeffrey L. Trousdale** jtrousdale@cohnekinghorn.com, mparks@ck.law
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **Aaron M. Waite** aaronmwaite@agutah.gov

/s/ Carrie Hurst

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing ***ORDER GRANTING MOTION, PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 9014 AND 9019, FOR ENTRY OF AN ORDER APPROVING A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN THE TRUSTEE, ON THE ONE HAND, AND OKIIREVE INC. ON THE OTHER HAND ON THE OTHER HAND*** (the “Order”) should be served on the persons in the manner designated below:

By electronic service: I certify that the parties of record in this case as identified immediately below are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF System:

- **B. Scott Allen** coley@mvmlegal.com
- **Rod N. Andreason** randreason@kmclaw.com, mkowalczyk@kmclaw.com
- **Steven R. Bailey tr** karen@baileylaw.org, UT06@ecfcbis.com
- **Megan K Baker** baker.megan@dorsey.com
- **Matthew M. Boley** mbole@ck.law, klopez@ck.law
- **Daniel K. Brough** dbrough@btjd.com, hollyv@btjd.com; docketing@btjd.com
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- **Deborah Rae Chandler** dchandler@aklawfirm.com
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- **Douglas Farr** dfarr@buchalter.com, docket@buchalter.com
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- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **Aaron M. Waite** aaronmwaite@agutah.gov

By U.S. Mail – In addition to the foregoing persons of record receiving notice of the entry of the Order through the CM/ECF system, the NON-ECF parties requesting notice and parties set forth in the Court's Order limiting notice as attached hereto as Exhibit A should be served with a copy of the Order by U.S. Mail pursuant to Fed R. Civ. P. 5(b).

/s/ Carrie Hurst

EXHIBIT A

United States Trustee
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